



# ARNOLD & PORTER

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CPA/163

December 16, 2002

Box CPA

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Continued Prosecution Application of:  
Application No.: 09/237,183  
Filed: January 26, 1999  
For: Nucleic Acid Molecules and Other Molecules  
Associated with the Sucrose Pathway  
Inventors: Nordine CHEIKH *et al.*  
Atty. Docket: 16517.228/38-21(15089)B

Sir:

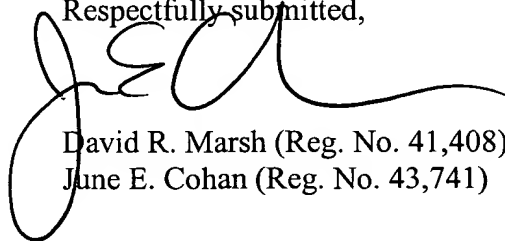
The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Continued Prosecution Application Request Transmittal (PTO/SB/29) (in duplicate);
2. Preliminary Amendment;
3. One (1) return postcard.

This application is a continued prosecution application of U.S. Patent Application Serial No. 09/237,183 filed January 26, 1999. The attached CPA Request Transmittal contains authorization to charge the filing fee, extra claims fees, and any fee deficiencies or credit any overpayment to counsel's Deposit Account No. 50-2387.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures



PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CONTINUED PROSECUTION APPLICATION (CPA)****REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231Attorney Docket No.  
of Prior Application

16517.228

First Named Inventor

CHEIKH, Nordine

Examiner Name

A. Marschel

Group Art Unit

1631

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09 / 237,183

filed on Jan. 26, 1999, entitled **Nucleic Acid Molecules and Other Molecules Associ-**  
**ated with the Sucrose Pathway****NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

12/17/2002 SFELEKE1 00000025 502387 09237183

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02 FC:1202 36.00 CH

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	22	-20* =	2	x \$18 =	\$ 36.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2	-3** =	0	x \$84 =	00.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	776.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					
TOTAL =					776.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 2387:a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☐ Other: \_\_\_\_\_**NOTE:***The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.***14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below*(Insert Customer No. or Attach bar code label here)*

Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print I/Type)

David R. Marsh/June E. Cohan

Signature

Registration No. (Attorney/Agent)

41,408/43,741

Date

December 16, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continued Prosecution Application of:

CHEIKH *et al.*

Appl. No.: 09/237,183

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Title: Nucleic Acid Molecules and Other  
Molecules Associated with the  
Sucrose Pathway

Art Unit: 1631

Examiner: A. Marschel

Atty. Docket: 16517.228/38-21(15089)B

#261B  
Plunkett  
12/19/02

PRELIMINARY AMENDMENT

**BOX CPA**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This preliminary amendment is filed concurrently with a Request for Continued Prosecution (CPA), and Applicants hereby respectfully request entry to this amendment prior to examination on the merits:

**AMENDMENT**

In the claims:

Please **cancel claim 1** without prejudice to or disclaimer of the underlying subject matter.

Please **amend claim 2** as follows:

2. (Twice Amended) A substantially purified nucleic acid molecule that encodes a maize or a soybean enzyme or fragment of said enzyme, wherein said nucleic acid molecule comprises a nucleic acid sequence selected from the group consisting of SEQ ID NOs: 11, 446, 935, 1108, 2042, 2166, 2252, 2644, 2681, and 2753, wherein said enzyme is selected from the group consisting of triose phosphate isomerase, vacuolar H<sup>+</sup> translocating-pyrophosphatase, sucrose synthase, hexokinase, fructose 1,6-bisphosphate aldolase, fructose 6-phosphate 2-kinase, invertase, fructokinase, NDP-kinase, and UDP-glucose pyrophosphorylase.